

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

LIZA ENGESSER, MARISOL GETCHIUS,
GEETANJALI SEEPERSAUD by her Next Friend
SAVITRI SEEPERSAUD, and MARIA JAIME on
her own behalf and as Next Friend to Y.P.S. AND
C.P., individually and on behalf of all persons
similarly situated, BROOKLYN CENTER FOR
INDEPENDENCE OF THE DISABLED, and
REGIONAL CENTER FOR INDEPENDENT
LIVING,

Plaintiffs,

v.

JAMES V. MCDONALD, as Commissioner of the
New York State Department of Health,

Defendant.

Dkt. No.: 25-CV-1689

**DECLARATION OF NINA
BAKOYIANNIS, PhD**

Nina Bakoyiannis, PhD hereby declares, under penalty of perjury, pursuant to 28 U.S.C. 1746,
that:

1. I am 29 years old and live in Kings County, New York.
2. I have Arthrogryposis, which is a disability involving multiple joint contractures (or stiffness), severe scoliosis (curvature of the spine), restrictive lung disease, and benign positional vertigo.
3. I am an adjunct professor at Brooklyn College and a psychologist in a group practice.
4. My physical disability requires me to use a motorized wheelchair. I need assistance to help me with daily living tasks such as bathing, dressing, and transferring into my wheelchair; without such assistance, I would not be able to live.

5. I receive CDPAP services.
6. My current plan of care is 84 hours per week of CDPAP services.
7. I have three personal assistants.
8. I first learned about the transition to a single FI from the disability rights community last year.
9. In early 2025, I received letters from my FI and the Department of Health about the transition to PPL.
10. In mid-March, I enrolled with PPL. I provided the information requested and signed the necessary documents. I completed my enrollment before the April 1, 2025 deadline.
11. All my personal assistants completed their registration with PPL prior to the April 1, 2025 deadline.
12. The night before the deadline, on March 31, 2025, one of my personal assistants received a message from PPL stating that PPL is “waiting on my service authorization” and that my personal assistant could begin work with PPL once it was received. Attached as Exhibit A is this message sent to my Personal Assistant.
13. Only one of my three personal assistants received this communication.
14. I did not receive any communication from PPL or the LDSS that there was a problem with my service authorization.
15. When I learned that my personal assistant received this communication, I logged on to PPL. Under the service authorization tab, it read “no records found.” Attached as Exhibit B is a screenshot of my account with PPL showing that PPL does not have my authorization for services on file.

16. Today, April 2, 2025, the service authorization tab in PPL accounts still reads “no records found.”
17. Yesterday, April 1, 2025, my personal assistants did not “clock in” with PPL, instead they “clocked in” with the previous FI.
18. On April 2, 2025, I received an email from the FI stating that “you can’t use our system to clock in and out effective on 4/1/25. Our agency only pays up to 3/31/25.” Attached as Exhibit C a copy of the April 2, 2025 email from the former FI
19. I have no idea if my personal assistants will be paid on time or at all.
20. If my personal assistants are not paid on time, they will stop coming.
21. If my personal assistants stop coming, I won’t be able to get dressed, shower, or get to work.
22. If my CDPAP services stop, my health would deteriorate. I may be able to ask family to help me for brief periods, but they also work. I would eventually have to seek a hospital admission.
23. I am willing and able to intervene in this case to represent the class if needed.

Dated: April 2, 2025

Kings County, New York

Signed by:

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Nina Bakoyannis, PhD